

Washington, DC -- Congressman Maurice Hinchey (D-NY) today voted against a Republican backed bill that would make it more difficult for victims of medical malpractice to seek just compensation for their injuries. The legislation would override existing state laws, placing a \$250,000 cap on damages for physical impairment, pain and suffering and wrongful death.

"This bill stacks the deck in favor of big insurance companies and pharmaceutical corporations, and against victims of horrific medical malpractice," said Hinchey. "If you go in for surgery and the doctors make a grave error, if you are prescribed a drug with harmful and undisclosed side effects, or if your insurance company denies you care, causing serious injury, the damages you may seek would be severely limited by this bill. There are already existing state laws to address this matter, and Congress should respect those laws. This is just another example of Washington, DC Republicans dictating pro-industry, anti-consumer regulations to the rest of the country while claiming to be for a small federal government."

The bipartisan National Conference of State Legislatures strongly opposes the legislation, and has stated that "medical malpractice, product liability, and other areas of tort reform are areas of law that are regulated by the states."

The Republican bill also applies its provisions not only to medical malpractice cases but to all health care lawsuits. As a result, the bill offers new liability protections for drug companies, medical device manufacturers, nursing homes, insurance companies, and HMOs.

The GOP bill also provides sweeping immunity to drug companies by giving them an exemption from punitive damages even in some cases when the prescription drug in question has not been approved by the Food and Drug Administration (FDA). Granting immunity from the threat of punitive damages removes the major financial incentive for drug companies to immediately remove dangerous drugs from the shelves as soon as they are aware of those dangers.

While the legislation is designed to reduce medical malpractice insurance premiums, it fails to recognize that rates for such insurance have been falling since 2003. They fell by 6.6 percent in 2007, 5.3 percent in 2008, and have continued to drop since that time. In addition, medical malpractice cases are less frequent than at any time in the last decade. Only 4.4 percent of the civil caseload is comprised of tort cases; of these, only 2.8 percent are medical negligence cases.